

REMARKS

Prior to the filing of this Response, Claims 1 to 6 were pending.

In the Office Action dated September 6, 2006, Claims 1 to 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0044731 to Coffman et al. ("*Coffman*") in view of U.S. Patent No. 6,988,075 issued to Hacker ("*Hacker*"). Applicants traverse this rejection for the reasons provided below.

Rejection of Claims 1 to 6 under 35 U.S.C. § 103(a) over *Coffman* in view of *Hacker*

Claims 1 to 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Coffman* in view of *Hacker*. Independent Claims 1 and 5 of the present application provide "the handheld computing device performing a matching check and confirming the match between the prescribed medication data and the patient data" (emphasis added). Independent Claim 6 of the present application provides "performing a matching check between the medication data and the patient data by a handheld computing device..." (emphasis added). Applicants respectfully submit that neither *Coffman* nor *Hacker* teaches a handheld computing device that performs a matching check. Therefore, the combination of *Coffman* and *Hacker* fails to teach every element of Claims 1 to 6 of the present application.

I. *Coffman* does not Require a Handheld Computing Device

With respect to claim elements 1(f) and 5(f), the Office Action dated March 24, 2006 states "the handheld computing device performing a matching check and confirming the match between the prescribed medication data and the patient data is met by the system validating each medication delivered to a patient to make sure it is identical to the medication that is indicated in the information contained within the MTC (see: [*Coffman*,] paragraph 107)" (emphasis added). However, paragraph 107 of *Coffman* fails to teach a handheld computing device that performs a matching check, as required in Claims 1, 5, and 6 of the present application. While the "system" of *Coffman* may disclose a handheld device, there is no teaching or disclosure in *Coffman* to indicate that the handheld device performs a matching check.

Instead, *Coffman* teaches that the handheld device, or medical transaction carrier ("MTC"), is not required in the system. *Coffman* states that "[i]t should be apparent from the above description that this embodiment of the present invention does not require a physical

medical transaction carrier [MTC]...” (*Coffman*, paragraph 104). Hence, if the system of *Coffman* does not require a handheld computing device, it is unlikely one skilled in the art would glean from *Coffman* to use such handheld devices for matching checks or to modify *Coffman* to add matching checks to the function of the handheld device of *Coffman*.

Furthermore, the handheld device, or MTC, taught in *Coffman* does not even require a processor. A handheld device without a processor cannot perform a matching check, as required in Claims 1, 5, and 6 of the present application. *Coffman* states that “[t]he MTC 110 may, but not necessarily, include a processor” (*Coffman*, paragraph 34). If the handheld device of *Coffman* does not include a processor, it is physically incapable of performing a matching check.

II. The Handheld Device of *Coffman* does not Perform a Matching Check

The handheld device, or MTC, taught in *Coffman* does nothing more than act as a pass-through for information that is going between patient specific assets (“PSA”), or clinical device, and a control system. *Coffman* discloses many scenarios regarding the flow of data and the validation of the proper medication for a patient, but none of the scenarios or examples teach a handheld computing device that performs a matching check, as required in Claims 1, 5, and 6 of the present application. In each example in *Coffman*, a device other than the MTC performs the validation. For example, *Coffman* states:

- “The message from the patient specific asset is communicated to the relevant information system by means of the MTC and the information system “validates” the message from the patient specific asset with its copy of the order.” (emphasis added) (*Coffman*, paragraph 35)
- “...the MTC 110 establishes a connection with the controlling server 40 in box 300. The controlling server 40 validates that this is a transaction with information from a PSA, and creates a new transaction ID for the particular transaction being undertaken in box 305.” (emphasis added) (*Coffman*, paragraph 71)
- “The control system 40 executes software programs in box 350 that analyze the information recently received from the MTC 110 and communicate new information for present medication delivery transactions to the MTC 110. Such software programs may include re-validating the past interactions recorded in the MTC 110

against data already stored in the PSA database.” (emphasis added) (*Coffman*, paragraph 76)

- “Again, software running on the control system 40 may be executed to compare information stored on the various information systems 20, 30, and 35 with information gathered by the control system 40 and validate that the information is correct....” (emphasis added) (*Coffman*, paragraph 80)
- “Once the connection has been satisfactorily established in box 400, the PSA 120 takes control of the process and creates a unique transaction ID, logs the care-giver’s ID, and validates the patient and the PSA assignment in box 405.” (emphasis added) (*Coffman*, paragraph 83)
- “After the current physician orders, drug regimens, and patient specific protocols have been stored in the PSA 120 database, a software program may be run in the PSA to validate delivery protocols, drug interactions, and safety information, such as described earlier with reference to a database to ensure safe delivery of the medication to the patient in box 445.” (emphasis added) (*Coffman*, paragraph 86)
- “...the oral order is entered into the information system, such as pharmacy information system 60, and is transferred to a MTC 110 which is then transported to the infusion pump. There, software running on the infusion pump compares the information in the transaction transferred to it by the MTC 110 to the information about the current infusion stored in the memory of the pump. If the information matches, the pump communicates to the MTC 100 a transaction indicating that it has received the order. This transaction communication is transferred to the control system 40 to inform the control system 40 that the infusion pump has received the order.” (emphasis added) (*Coffman*, paragraph 98)
- “It should be apparent to those skilled in the art that the MTC may store and transport a wide variety of information useful to the care-givers and care-giving facilities for providing healthcare to patients...Additionally, the MTC may also include past valid transactions for a particular PSA that are not yet validated by the PSA, and may also include past validated transactions for the PSA that have already been validated by the PSA.” (emphasis added) (*Coffman*, paragraph 108)

- “The clinical device may then communicate to the MTC information about the medical transaction it is performing for validation. The MTC may later communicate this information to the control system 40 for validation. Alternatively, the clinical device may communicate directly to the control system 40 information about the medical transaction it is performing for validation.” (*Coffman*, paragraph 111)
- “Validation data from the patient specific assets may reach the control system 40 via multiple MTCs...The control system 40 may validate the line items indicated as communicated to the PSA through different MTCs but will not clear the entire medical transaction information until it receives information concerning all of the line items.” (emphasis added) (*Coffman*, paragraph 112)

The above examples provided in *Coffman* detail methods in which data is being validated, but in each example, a device other than the MTC is performing the validation. Further, *Coffman* provides no examples in which data is being validated by the handheld device, or MTC. Both Office Actions in the present application cite to paragraph 107 of *Coffman*, which states that “the system of the present invention may be enhanced by including technology that allows for real-time validation of each medication delivered to a patient” (emphasis added). While *Coffman* may teach a system that provides validation or checking, each of the passages above from *Coffman* fails to teach a handheld computing device that performs the matching check. Because *Coffman* fails to teach a handheld computing device that performs a matching check, *Coffman* fails to teach at least one element of Claims 1, 5, and 6 of the present application.

III. Hacker Fails to Cure Defects of Coffman

Hacker is directed to a database for storing patient information. *Hacker* does not disclose a handheld computing device for performing a matching check. Even if one skilled in the art were to combine the teachings of *Hacker* with *Coffman*, *Hacker* fails to cure the deficiencies of *Coffman* and the combined teachings would not read on Claims 1, 5, or 6 of the present application.

IV. Conclusion

Applicants respectfully assert that neither *Coffman* nor *Hacker* teaches a handheld computing device that performs a matching check and confirms the match between the

prescribed medication data and the patient data, as required in independent Claims 1, 5, and 6. Hence, the combination of *Coffman* and *Hacker* fail to teach at least one element of independent Claims 1, 5, and 6. Additionally, Claims 2 to 4 are all dependent claims that depend from Claim 1 and include all of the limitations of Claim 1. Accordingly, the patentability of each of these claims flows from the patentability of Claim 1. Therefore, Applicants respectfully request the rejection of Claims 1 to 6 under 35 U.S.C. § 103(a) over *Coffman* in view of *Hacker* be withdrawn for at least the reasons provided above.

SUMMARY

Applicants assert that pending Claims 1 to 6 are in condition for allowance. Applicants respectfully request the Examiner to grant allowance of the present application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite the allowance of this application.

No fees are believed due relating to the filing of this Response. However, the Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing from this filing.

Respectfully submitted,
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